

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

GWR INVESTMENTS, INC.,)	8:04CV441
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
EXECUTIVE RISK SPECIALTY)	
INSURANCE COMPANY,)	
)	
Defendant.)	

Pursuant to Magistrate Judge Piester's order (filing 28) granting the parties' oral motion to submit a joint stipulation of facts for resolution of this case without trial, the parties' Procedural Stipulation for Trial on Stipulated Facts (filing 29), and the parties' Stipulation of Facts (filing 30),

IT IS ORDERED:

1. The following causes of action and defenses are dismissed with prejudice, each party to bear its own costs and fees: (a) the "Second Cause of Action" contained within Plaintiff's Amended Complaint (filing 16); (b) the "Third Defense" contained within Defendant's Answer to Amended Complaint (filing 18); (c) the "Fourth Defense" contained within Defendant's Answer to Amended Complaint; and (d) the "Fifth Defense" contained within Defendant's Answer to Amended Complaint.
2. The parties shall submit their remaining claims and defenses to the court for disposition by way of briefs and supporting materials pursuant to the following schedule:

- (a) The parties have already submitted to the court their stipulation of facts with attached exhibit (filing 30);
- (b) Plaintiff shall submit its opening brief on or before May 27, 2005;
- (c) Defendant shall submit its response brief on or before June 17, 2005;
- (d) Plaintiff shall submit its reply brief on or before July 1, 2005, after which this matter shall be deemed fully submitted to the court for resolution.

3. The Clerk of the United States District Court for the District of Nebraska shall no longer show as pending the parties' stipulations (filings 29 & 30), as they are not motions.

4. This case shall be removed from the court's trial calendar.

DATED this 18th day of May, 2005.

BY THE COURT:
s/Richard G. Kopf
United States District Judge